

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

IN RE: VALSARTAN, LOSARTAN, AND IRBESARTAN PRODUCTS LIABILITY LITIGATION	CIVIL ACTION NUMBER: 1:19-md-02875-RBK-KW STATUS CONFERENCE (Via telephone)
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Thursday, April 12, 2021
Commencing at 4:00 p.m.

B E F O R E: SPECIAL MASTER,
THE HONORABLE THOMAS I. VANASKIE

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1 (ALL PARTIES VIA TELEPHONE, April 12, 2021,
2 4:02 p.m.)

3 JUDGE VANASKIE: Now, I have both of your letters
4 and, you know, we did have a lengthy -- I shouldn't say
5 lengthy, but we did have a discussion on this matter I guess
6 on the 7th of April, and I guess I want to understand,
7 Mr. Goldberg, what would be involved on your end in terms of
8 identifying English translations of documents that are in
9 Mandarin that have already been produced?

10 MR. GOLDBERG: You mean, Chinese translations of
11 English documents, Your Honor.

12 JUDGE VANASKIE: Yeah, I think you're right, yeah,
13 yeah.

14 MR. GOLDBERG: Exactly.

15 JUDGE VANASKIE: The Chinese documents in Mandarin
16 that were already produced that have English translations for
17 them.

18 MR. GOLDBERG: Right, Your Honor. So the issue here
19 is that we have identified about 360,000 documents that are in
20 English, and if plaintiffs' position is that each one of those
21 documents -- that ZHP parties should be reviewing their
22 production to determine whether any of those 360,000 English
23 documents have a translated version, that would take months
24 and cost millions of dollars. It's something that has never
25 been envisioned by this Court, it certainly wasn't required

1 under the ESI protocol.

2 And let me just explain why -- why the burden is so
3 significant. The ESI protocol has a field in it for metadata
4 that allows the parties to identify whether a document is
5 written in a foreign language, which we've done, and we
6 provided that information to Your Honor. That's the 360,000
7 English documents, and approximately 40,000 Chinese documents.

8 The only way to determine whether any of those
9 English documents was in the ordinary course of business
10 translated into Chinese, such that a Chinese version of that
11 document exists in the production, would require attorneys to
12 manually review the production and that would take months of
13 attorney time at a cost of millions of dollars. It would
14 require doing searches of documents using Chinese characters
15 to try to determine and then match up whether a document
16 written in Chinese, if it even exists, is truly a translated
17 version of an English document.

18 You know, the burden would be extensive. It is a
19 burden that two and a half years into this litigation, in the
20 midst of depositions, and mind you, Your Honor, we've already
21 taken half of the ZH party depositions, for this request to be
22 made now, and for the Court to consider imposing this kind of
23 burden would be really -- is really incongruent, given that
24 this wasn't required when the parties negotiated the ESI
25 protocol.

1 Plaintiffs never asked for this when the Chinese and
2 English search terms were negotiated. This issue never arose
3 when core discovery was produced in 2019. This issue didn't
4 come up when the deposition protocol was negotiated. I mean,
5 it would be absolutely prejudicial to require -- to require
6 that the ZHP parties undertake this burden.

7 They --

8 JUDGE VANASKIE: All right. Go ahead. I'm sorry, I
9 didn't mean to cut you off.

10 MR. GOLDBERG: Sure, Your Honor. You know, and I
11 just to say, what Your Honor ordered last week, although --
12 and an imperfect compromise was a compromise nonetheless that
13 really erred to the benefit of plaintiffs in terms of the cost
14 and burden, because what Your Honor was to say, if you are
15 going to use any English documents for depositions, you have
16 to have those documents translated and use a very
17 cost-effective, if not free service, Google Translate.

18 And that ruling is really something different than
19 what plaintiffs appear to ask for, because plaintiffs appear
20 to be asking for the translation of all 360,000 English
21 documents, or the matching up of all 360,000 documents. Of
22 course, the universe of English documents that need to be
23 translated for the six remaining Chinese-speaking witnesses is
24 relatively small, right? That is maybe, maybe a hundred
25 documents, give or take.

1 And what the Court has done is told plaintiffs, you
2 have a very cost-effective way to translate those hundred
3 exhibits, and so it's sort of surprising that plaintiffs are
4 trying to sort of relitigate the ruling that the Court made
5 last week, which was so helpful to the plaintiffs from a cost
6 and burden standpoint.

7 JUDGE VANASKIE: All right. Thank you. Mr. Slater?

8 MR. SLATER: Thank you, Your Honor. We're certainly
9 not seeking to relitigate anything. Your Honor ruled, and we
10 put it in our letter and cited to the transcript that this was
11 what ZHP was going to be required to do, and I think that was
12 in part a reaction to the fact that ZHP made a big showing in
13 their opposition or in their letters before last week's
14 hearing to the effect that we used documents that had Chinese
15 counterparts, Chinese-language counterparts, and didn't use
16 the Chinese-language counterparts because we didn't realize
17 they existed.

18 We just hadn't known and I don't know when they
19 figured it out, I don't know if it was during the deposition
20 or after, but this -- we're not looking to relitigate it. We
21 were simply writing to Your Honor because we were perplexed
22 that -- we obviously argued everything last week and this was
23 your ruling and it's in the letter. I don't know that I -- I
24 don't think I should -- really that I need to read it for
25 defense counsel, but you were very clear that you said

1 whatever steps need to be taken to achieve that result, which
2 is to identify those documents that are in English, have a
3 Mandarin or a Chinese counterpart, that they should identify
4 those for us, that was what Your Honor ruled and I think in
5 part was an acknowledgement of what Mr. Goldberg is talking
6 about. He said, well, it was an imperfect compromise. I
7 don't characterize your ruling that way. I feel like you
8 tried to come up with a decision that you thought made sense,
9 you know, both sides probably weren't ecstatic about parts of
10 it, but that's probably how a lot of rulings go in this
11 business.

12 So we're just asking that they do what Your Honor
13 ordered them to do last week.

14 Now, if we're going to rediscuss it -- you know,
15 remember Mr. Goldberg said in his letter that -- why is ZHP
16 being asked to do something that the plaintiffs could just
17 easily do for themselves. That was what the letter to Your
18 Honor said.

19 So now we're hearing, it would take months and
20 millions of dollars of time.

21 So that probably -- so to say, well, the plaintiffs
22 can do it just as easily, first of all, I doubt that. I would
23 think that ZHP probably has internally matched up those
24 documents that are in both languages, and certainly that they
25 would deem to be the, quote unquote, tort 100, I don't know

1 how they identify those or come up with that, but my guess is
2 that's just an abstraction.

3 So if we're going back to it, it's too difficult to
4 do that since it was, as Mr. Goldberg said, an imperfect
5 compromise and we are through, as he said, half the
6 depositions already. It would seem to me that the entire
7 impetus for this was what was happening in a couple of moments
8 during two depositions after which there were no issues.

9 So if it's that difficult to implement one half of
10 the, quote unquote, imperfect compromise, then it would seem
11 to me that we should jettison, frankly, the entire process and
12 just -- Your Honor has cautioned us already to deal with each
13 other in the best way we can and to just go forward, but, you
14 know, one of the concerns I had in last week's hearing and I
15 left it, because to me, it became a nonissue for the future
16 was when Mr. Goldberg kept reserving his right to object to
17 the machine translation, where on one hand, he said, well,
18 this is really economical and this is what the plaintiffs can
19 do, but they're going to object.

20 Now, I don't know how in practice they're going to
21 place an objection in the future, are they going to ask to
22 redo the depositions. I doubt it, but I felt like this was
23 somewhat of a response to those concerns to say, look, if
24 there's a document that's in both languages in the production,
25 tell the plaintiffs, because we would obviously use both

1 documents, and we have no problem with doing that. As you've
2 seen in the record, we've done that every time we identified
3 the counterpart documents.

4 So, you know, all I did was ask, Your Honor, and I
5 was frankly embarrassed to have to write the letter Friday
6 night because I thought that Your Honor made a very clear
7 ruling, and it was what it was, and I was surprised to see ZHP
8 say, well, you know, we're not going to do that because it's
9 going to be too much work. I thought they were saying they
10 don't want to overlay the metadata.

11 And I will say one last thing. We asked them to do
12 this during the ESI protocol negotiations and they said they
13 didn't want to do it, and I will say another thing, I agree
14 with Mr. Goldberg. We're way down the line here, and we had a
15 deposition protocol and it took multiple depositions before
16 this issue was raised, and we're down the line on a lot of
17 things.

18 So, frankly, we would prefer just to leave the
19 protocols as they were and to proceed as we were previously,
20 and to take -- if there's too much of a burden on their side,
21 then just, I would say, lift all the burdens, just move
22 forward, and my sense is things will work fine.

23 So thank you for hearing me.

24 MR. GOLDBERG: Your Honor, may I?

25 JUDGE VANASKIE: Absolutely.

1 Yes, I expect so, Mr. Goldberg.

2 MR. GOLDBERG: First of all, Your Honor, we can't
3 jettison the one fundamental piece, which is that a Chinese
4 witness should not have to be deposed and asked about a
5 document that a Chinese witness can't read because it's in
6 English. So the Chinese documents that are going to be shown
7 to the witnesses have to be translated.

8 It doesn't seem that there's any dispute, at least in
9 the Court's mind about that. The Court has said a number of
10 times that that is only fair to the witness. So that cannot
11 be jettisoned.

12 In our letter, what we expressed to the Court was,
13 one, it would be attorney work product for us if we have
14 chosen to translate any documents from English to Mandarin, or
15 to Chinese, that obviously is attorney work product and we
16 should not have to be -- required to disclose it.

17 That said, and as I said in the letter, we've not
18 done that, so that issue is off the table.

19 The burden of -- I think one thing is clear, as well,
20 Your Honor, plaintiffs' letter suggests the translation of all
21 360 -- I'm sorry, not the translation, plaintiffs' letter
22 suggests taking all 360,000 English-speaking documents and
23 trying to determine if there are any translated versions of
24 those documents.

25 There is no way to do that using metadata. It would

1 require a manual review. It would require attorneys or
2 contract attorneys looking at the documents, performing
3 searches and trying to identify whether there are any Chinese
4 counterparts. That burden is -- it would be the same burden
5 on plaintiffs.

6 There's no reason to shift that burden from
7 plaintiffs to defendants. It is their depositions, if they
8 want -- if they want all 360,000 English documents reviewed
9 for that purpose. However, we do not believe they need all
10 360,000 reviewed for that purpose. There are only six
11 witnesses who speak Chinese, who do not read English, whose --
12 who might potentially be shown a document that needs to get
13 translated from English to Mandarin. Maybe there are a
14 hundred of those documents.

15 Plaintiffs have a choice. They can expend the
16 resources to determine whether -- manually, whether any of
17 those hundred or so documents have a Chinese counterpart just
18 the same way we can, or the Court has given plaintiffs a much
19 more affordable alternative.

20 The plaintiffs can simply take that hundred or so
21 documents and use Google Translate and move forward as the
22 Court has ordered.

23 But whether the plaintiffs choose the manual --
24 trying to determine manually whether there is a translation in
25 the production, or to use Google Translate, that is

1 plaintiffs' choice. There is no basis to shift that burden to
2 the ZHP parties. These are the documents plaintiffs want to
3 use for deposition.

4 When plaintiffs had the opportunity, when we were
5 negotiating the deposition protocol to provide us in advance
6 with translations of those documents, they chose not to, they
7 said that would reveal their work product. You know, they
8 don't want to reveal the hundred or so documents they want to
9 show to the ZHP party witnesses, so they should either take
10 the time to review the production to determine if there is a
11 translation, they can do that manually.

12 They have a team, as they've represented to you, they
13 have a team of people who speak Chinese who are helping them
14 translate documents. There's no reason they can't take on
15 that burden, or they could follow the Court's instruction and
16 use the Google Translate and be done with this in a matter of
17 hours.

18 JUDGE VANASKIE: All right. Anything else,
19 Mr. Slater?

20 MR. SLATER: Yes, Your Honor. Let me just get off of
21 the speaker so you hear me better.

22 Just a couple small things. One, I guess if counsel
23 is now saying we should use Google Translate, I thought he had
24 an issue with it last week, but that's fine, if that's what
25 Your Honor, you know, continues to rule.

1 I want to make a couple things clear. Number 1, the
2 discussion regarding translations of documents in the context
3 of the deposition protocol was the translation of
4 Chinese-language documents to English. There was never a
5 request for us to translate from English to Chinese. It was
6 never asked for, it was never raised. It only came up in the
7 last two -- last week or so, two weeks, week and a half.

8 So that was never on the table, so we had no reason
9 to anticipate this issue.

10 We always assumed that we would be able to use
11 official documents and internal corporate documents with their
12 witnesses as they were prepared and utilized in the ordinary
13 course of business, that's why a translator will be put into
14 the deposition, so if a witness needed translation, they could
15 get it from the translator brought in by ZHP, and that's how
16 we were proceeding and not having an issue until they raised
17 this issue. It's probably become much more than anybody
18 anticipated, certainly I would guess more than Your Honor
19 anticipated that we are arguing over this so much, but it's
20 obvious that it is an imposition for both sides, but this is
21 their request.

22 Their request for the convenience of their witnesses
23 in our use of official FDA and corporate documents that we're
24 utilizing as they were maintained in the ordinary course of
25 business.

1 So I'll just -- this is -- you know, and one other
2 thing. This argument about attorney work product. I don't
3 know why counsel keeps saying it, and then saying, but we have
4 no other translations. It's about the third time we've heard
5 it, it's concerning.

6 I have -- I don't know how counsel is defining his
7 terms or what's going on at ZHP, but we know from the
8 depositions that documents that are in English are translated
9 for the Chinese-speaking documents within the company, they've
10 testified to that, that people help them read them or
11 understand them. And, you know, that's part of what we want
12 to show is, if there's some very important document in the
13 English language and the key witness who is in charge of that
14 department or is in charge of testifying on this topic can't
15 even understand the document, I think that goes to certain
16 issues that are substantive, because the information is, in
17 some cases, subtle, complex, technical, and if you're telling
18 me people who are in charge of quality processes, in charge of
19 important processes couldn't read the documents and didn't
20 have a good way to get translations to them in the ordinary
21 course, I think that raises some significant issues about how
22 ZHP was doing business and why these things occurred.

23 So we've just always tried to do -- take depositions
24 with documents that they gave us. That's what we're talking
25 about here, I think, and if there's going to be a burden, it's

1 for their benefit, so they should carry that burden and they
2 should certainly not be in a position to later say, you know,
3 there was a Mandarin version of that English document, which
4 would have been a much better translation than what you ended
5 up using off of Google Translate or however we get these
6 documents translated, which counsel already knows and has
7 admitted on the record he knows they're going to be imperfect.
8 So again, I don't know where this foundation objection will
9 come from, and this is the process they've asked for and
10 agreed to.

11 But we certainly don't want to get those sorts of
12 objections later. So if they're not going to identify the
13 documents, it seems like they're creating mischief in the game
14 that they asked us to play.

15 JUDGE VANASKIE: All right.

16 MR. GOLDBERG: Your Honor, may I, please, because --

17 JUDGE VANASKIE: Just briefly, please.

18 MR. GOLDBERG: Thank you. I just want to make sure
19 that the record is clear. One, this isn't a question of
20 convenience, it's a question of fairness. The witnesses need
21 to have documents that they can read and; two, in terms of the
22 Google Translate, I just don't want the record to be muddled
23 on this.

24 The Court previously ruled that documents, because of
25 the security issues, documents that have been marked

1 restricted, confidential, cannot be run through the Google
2 Translate, and -- or documents that have been marked
3 confidential. I just don't want that to be lost on this
4 record, because that was very clear from the last record, and
5 otherwise, we've reserved all of our objections in the last
6 hearing.

7 JUDGE VANASKIE: Very well. When I made my ruling
8 last week indicating that whatever steps need to be taken to
9 have documents in the -- translated from English to Mandarin,
10 I did so with an erroneous assumption that there would exist
11 on the defense side, on ZHP side, an index of what documents
12 have been translated to Mandarin from English, so that if a
13 witness was going to be asked a question about a particular
14 document, ZHP would have the ability to readily produce that
15 document in Mandarin, to facilitate the examination of the
16 witness.

17 What I'm hearing and maybe I'm still wrong on this,
18 is that such an index does not exist. What I'm also hearing
19 is that the burden of correlating documents in Mandarin to
20 those that have been produced in English would be an enormous
21 burden, and I'm not prepared to impose that upon any party at
22 this point in the proceedings.

23 I do think it's a matter of fairness on both sides.
24 I think if the documents exist in Mandarin and the defense
25 knows that they have that Mandarin version of the English

1 document, I think in the spirit of cooperation they should
2 produce it in Mandarin at the appropriate time. If they don't
3 know, then I would not impose that burden.

4 I understand the objection or concern about simply
5 identifying documents that are now in Mandarin that have been
6 selected by counsel for ZHP to translate to Mandarin. I think
7 that would constitute work product to do it in isolation, to
8 just produce that list. But if a witness is being examined
9 and a document exists in Mandarin and can be readily produced,
10 I know I'm probably being naive in suggesting that, but I
11 would have hoped that the Mandarin document could have been
12 displayed to the witness.

13 In any event, I'm not going to require ZHP to
14 identify every English-speaking document that has been
15 translated to Mandarin.

16 I am going to continue to have plaintiffs use Google
17 Translate to translate those documents that have not been
18 marked as confidential.

19 Now, where does that leave us? That leaves us with
20 the documents that have been marked as confidential, and I
21 know there have been an enormous amount of documents that have
22 been marked as confidential, and I'm working my way through
23 the motion to seal. That deals only with 29 documents, but
24 the decision can be a precedent for how others should be dealt
25 with, but I'm hopeful to have a ruling out very shortly on

1 that. That might provide some guidance in terms of your
2 ability to use -- Mr. Slater, your ability to use Google
3 Translate if I say the documents need not be sealed.

4 But that's where we stand right now. I don't think I
5 can do much more, other than to say that I won't require ZHP
6 to undergo the burden of identifying the Mandarin version of
7 the documents that are in English through some sort of index
8 or cross-reference, and I will require, to the extent
9 plaintiff can, to use whatever means. I don't mean to impose
10 a burden on plaintiffs as well. They can use Google
11 Translate.

12 Those documents that have been marked as confidential
13 or sensitive, what would you propose, Mr. Goldberg, with
14 respect to that?

15 MR. GOLDBERG: I'm sorry, I was on mute. Okay, go
16 ahead, Jessica, that would be great.

17 MS. PRISELAC: Your Honor, this is Jessica Priselac
18 for the ZHP parties. We did have a meet and confer last week
19 with counsel, where they represented that they actually were
20 able to work with their vendor to be using a machine
21 translation program that didn't require them to use Google
22 Translate. Sounds like they should be able to use machine
23 translation at this point, to even translate restricted and
24 confidential documents, because they're using a secure vendor
25 is what they represented to us last week.

1 JUDGE VANASKIE: Mr. Slater?

2 MR. SLATER: Yes, Your Honor. I believe that we
3 identified a system -- I'm not personally handling it and I
4 know that we wanted to make sure how it was working, and I
5 think Mr. Parekh has been handling that and I don't believe
6 he's on this call, but, you know, we're certainly trying to
7 handle that. I will say one thing, and maybe this will help
8 to head off some of the concern on both sides.

9 The document that we used last week, that counsel
10 said he didn't realize was a -- had a Mandarin translation
11 within their production, was an FDA warning letter. So maybe
12 as a first step, and to ask in a condensed request, for the
13 FDA or, slash, core discovery documents, if any of those,
14 which they're basically all in English, they all are, they're
15 all FDA communications. If they have any of those in
16 Mandarin, it would be very helpful because certainly, those
17 are documents that are in English, we're not aware of
18 translations and some of them are very lengthy. So certainly,
19 if there's any of the core discovery documents that are in
20 Mandarin, maybe that would be a good head start to try to
21 shrink the size of the unknown universe.

22 MR. GOLDBERG: Your Honor, this is Seth Goldberg.
23 That request is going to be -- that would be exceedingly
24 burdensome and -- because the number of FDA documents is
25 probably somewhere between 5 and 10,000 documents. Keep in

1 mind, Your Honor, that they've had most of these since
2 mid-2019. Many of them, they have the Chinese translated
3 versions, to the extent there are any. Many of these
4 documents have been provided, if they are bilingual, they have
5 been produced that way.

6 Your Honor, it's important, and I judge from your
7 comments that you may not -- may not understand this one
8 point, which is, if a document had been translated in the
9 ordinary course of business, that translation has been
10 produced.

11 The problem is, we have no way of connecting the
12 original version and the translated version without a manual
13 review, and the ZHP parties should not be burdened with doing
14 that manual review, especially this universe of FDA documents
15 that plaintiffs have had for years. These documents, by
16 definition, as core discovery, are some of the most important
17 documents and would have warranted plaintiffs translating
18 these years ago, in knowing they were going to be using them
19 to show Chinese witnesses in their depositions.

20 JUDGE VANASKIE: I take it none of those documents
21 would be confidential, or are they, the FDA documents?

22 MR. SLATER: None of them are confidential, Your
23 Honor. This is Adam Slater.

24 MR. GOLDBERG: No, that's not -- I don't think you
25 could make a blanket statement about it in that way. I think

1 there are some, for example, the DMF, the ANDA. I think there
2 are some communications that have been marked or some
3 documents that have been marked restricted, confidential, so I
4 don't think you could --

5 MR. SLATER: I wasn't referring to --

6 MR. GOLDBERG: -- you could make a blanket statement
7 about that.

8 MR. SLATER: I wasn't referring to the ANDA or the
9 DMF. I mean, if -- certainly, if there is a Chinese-language
10 version of those, it would be enormously easy for you to --
11 for counsel to produce. I don't know that we've seen it. I
12 just don't know off the top of my head, but I was really now
13 talking about the communications because of the example from
14 last week when we used an FDA-warning letter and counsel
15 pointed out there was a Mandarin version, so I figured they
16 must -- that ZHP must have that information because they would
17 know which document they have in both languages.

18 We obviously didn't realize that because the document
19 production is so, as they say, is of the size it is.

20 So I just was trying to find something that would
21 help us to be able to give them what they're asking for, which
22 is the best translation they can get which presumably would be
23 their own document.

24 MR. GOLDBERG: And to be clear, Your Honor, we do not
25 have any way of identifying which English documents, if any,

1 have been translated into Chinese. But if they have been,
2 they have been produced.

3 JUDGE VANASKIE: All right. I understand it. As I
4 said, I'm not going to require ZHP to undertake the
5 identification of those documents that are being -- that are
6 -- that have been produced in English that have also been
7 produced in Mandarin. We will allow for machine translation
8 of English documents to Mandarin, including, without
9 limitation, using Google Translate.

10 If you all can reach an agreement that documents that
11 have been marked as restrictive or confidential can be
12 translated to Mandarin with the plaintiffs' vendor, then that
13 would be completely acceptable.

14 If the documents have not been translated to
15 Mandarin, then you may have to resort to sight translation
16 during the course of the deposition with the clock being
17 suspended during that sight translation.

18 MR. GOLDBERG: Your Honor --

19 JUDGE VANASKIE: I know you are going to object to
20 that but I don't know that there's much else I can do.

21 Go ahead, Mr. Goldberg.

22 MR. GOLDBERG: Well, I mean, I am -- I do object to
23 that, and I think by doing that, you are opening the door,
24 again, to, A, burden shifting, and now, B, potentially forcing
25 the Chinese witnesses who have traveled for their depositions

1 on time-limited visas to be spending time during the
2 deposition to have their documents translated, and they have
3 told us they have a vendor who can do this.

4 To reopen that issue is -- you know, that specific
5 issue is, I think, going to potentially undo all of these
6 rulings because plaintiffs can just say, well, we'll just go
7 with the sight translation.

8 Your Honor has been very clear that documents need to
9 be translated, they have a vendor who can do it, and there's
10 no -- there's no reason to revisit the issue and then say that
11 timing would somehow count against the ZHP parties.

12 JUDGE VANASKIE: And ZHP has agreed to the use of
13 their vendor to translate documents that are sensitive or
14 confidential?

15 MR. GOLDBERG: Yes, because they told us last week
16 that it was secure.

17 JUDGE VANASKIE: Well, if there's agreement with
18 respect to that particular issue, I think that would be the
19 way to handle it. I just want to make sure there's agreement.

20 MR. SLATER: Your Honor --

21 MR. PAREKH: Your Honor, this is Behram Parekh. I'm
22 sorry, if I can just interrupt for just a moment.

23 JUDGE VANASKIE: No, I'd like to hear from you.

24 MR. PAREKH: The vendor that we propose to use is
25 called Reverso. We believe that it is sufficiently secure.

1 However, it is up to ZHP to agree or not agree as to that
2 determination. It is an online website where we can upload
3 documents and obtain the translated versions.

4 Their privacy policy appears to state that those
5 documents will not be kept and won't be looked at, but that's
6 all we can go on.

7 JUDGE VANASKIE: All right. So where does that leave
8 us with respect to ZHP agreeing they can use this vendor, this
9 Reverso, or whatever the name is?

10 MR. GOLDBERG: Your Honor, I think we can confirm
11 with plaintiffs that we're agreeable to it. I'm not sure they
12 provided us with that privacy language. If they can, if they
13 would do that, that would be helpful. We can certainly have
14 another call with them to try to understand that, but I think
15 provided we can get comfortable with it, that is -- that is
16 the way to go for the confidential documents.

17 JUDGE VANASKIE: All right. Very well.

18 Why don't you ask the questions that need to be asked
19 to assure yourself that it's sufficiently secure for purposes
20 of these documents. We'll continue to work through this
21 motion to seal, and that might help, I'm not sure yet.
22 Obviously, the documents are unsealed, there's no need to
23 maintain confidentiality.

24 And so let me see if I can summarize. I'm not going
25 to require ZHP to identify documents that have been translated

1 from English to Mandarin. I am going to require plaintiffs to
2 use machine translation, either through their vendor or
3 through Google Translate to provide documents in Mandarin to
4 the Chinese-speaking witnesses.

5 With respect to those documents that are
6 confidential, plaintiffs would have to use their vendor,
7 assuming that ZHP is satisfied that there is sufficient
8 security in that process. Anything else?

9 MR. SLATER: I don't believe so, Your Honor. Thank
10 you.

11 JUDGE VANASKIE: All right. From ZHP?

12 MR. GOLDBERG: Nothing from ZHP, Your Honor, thank
13 you.

14 JUDGE VANASKIE: All right. Thank you all very much.

15 (4:43 p.m.)

16 - - - - -

17

18 I certify that the foregoing is a correct transcript
19 from the record of proceedings in the above-entitled matter.

20

21 /s/ Karen Friedlander, CRR, RMR
22 Court Reporter/Transcriber

23

24 April 12, 2021
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